

Article - Health - General

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§13–3303.

(a) The Commission consists of the following 13 members:

(1) The Secretary of Health, or the Secretary's designee; and

(2) The following 5 members, appointed by the Governor with the advice and consent of the Senate:

(i) Two licensed noncertified providers who are:

1. Physicians;

2. Dentists;

3. Podiatrists;

4. Nurse practitioners;

5. Nurse midwives; or

6. Physician assistants;

(ii) One nurse or other health care provider licensed in the State who has experience in hospice care, nominated by a State hospice trade association;

(iii) One pharmacist licensed in the State, nominated by a State research institution or trade association; and

(iv) One scientist who has experience in the science of cannabis, nominated by a State research institution;

(3) Four members appointed by the Governor with the advice and consent of the Senate;

(4) One member appointed by the Governor from a list of three individuals recommended by the President of the Senate;

(5) One member appointed by the Governor from a list of three individuals recommended by the Speaker of the House of Delegates; and

(6) One member appointed by the Governor from either of the two lists described in items (4) and (5) of this subsection.

(b) (1) An appointed member of the Commission shall:

(i) Be at least 25 years old;

(ii) Be a resident of the State who has resided in the State for at least the immediately preceding 5 years;

(iii) Be a qualified voter of the State; and

(iv) With respect to a member appointed under subsection (a)(3), (4), (5), or (6) of this section, have substantial experience:

1. As an executive with fiduciary responsibilities for a large organization or foundation;

2. In an academic field relating to health, agriculture, finance, or addiction treatment; or

3. As a professional in a profession relating to health, agriculture, finance, or addiction treatment.

(2) A member of the Commission may not:

(i) Have a direct or indirect financial, ownership, or management interest, including ownership of any stocks, bonds, or other similar financial instruments, in any State licensed medical cannabis grower, processor, or dispensary;

(ii) Have an official relationship to a person who holds a license under this subtitle;

(iii) Be an elected official of State or local government;

(iv) Receive or share in, directly or indirectly, the receipts or proceeds of any State licensed medical cannabis grower, processor, or dispensary; or

(v) Have a beneficial interest in any contract for the manufacture or sale of medical cannabis or the provision of any independent consulting services in connection with any medical cannabis license.

(3) To the extent practicable and consistent with federal and State law, the membership of the Commission shall reflect the racial, ethnic, and gender diversity of the State.

(4) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

(c) (1) The term of a member is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members on October 1, 2019.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member may not serve more than three consecutive full terms.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) The Governor shall designate the chair from among the members of the Commission.

(e) A majority of the full authorized membership of the Commission is a quorum.

(f) (1) An appointed member of the Commission is entitled to:

(i) The salary provided in the budget of the Commission; and

(ii) Reimbursement for reasonable expenses:

1. Incurred in the performance of the Commission member's duties; and

2. As provided in the budget of the Commission.

(2) An appointed member of the Commission shall be paid once every 2 weeks.

(3) The Secretary of Health, or the Secretary's designee, is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Governor may remove a member of the Commission for just cause.

(h) (1) Subject to paragraph (2) of this subsection, the Commission may employ a staff, including contractual staff, in accordance with the State budget.

(2) Within 30 days after receiving a list of three names submitted by the Commission, the Governor shall appoint an executive director of the Commission from the list with the advice and consent of the Senate.

(3) The executive director shall serve at the pleasure of the Commission.

(i) The Commission may set reasonable fees to cover the costs of operating the Commission.

(j) (1) There is a Natalie M. LaPrade Medical Cannabis Commission Fund.

(2) The Commission shall administer the Fund.

(3) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund shall be invested and reinvested in the same manner as other State funds, and any investment earnings shall be retained to the credit of the Fund.

(6) The Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

(7) The Comptroller shall pay out money from the Fund as directed by the Commission.

(8) The Fund consists of:

(i) Any money appropriated in the State budget to the Fund;

(ii) Any other money from any other source accepted for the benefit of the Fund, in accordance with any conditions adopted by the Commission for the acceptance of donations or gifts to the Fund; and

(iii) Except as provided in § 13–3303.1 of this subtitle, any fees collected by the Commission under this subtitle.

(9) No part of the Fund may revert or be credited to:

(i) The General Fund of the State; or

(ii) Any other special fund of the State.

(10) Expenditures from the Fund may be made only in accordance with the State budget.

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